#### LOCAL FORM FOR A CHAPTER 13 PLAN UNDER FEDERAL RULE OF BANKRUPTCY PROCEDURE 3015.1 AND **ADMINISTRATIVE ORDER NO. 17-04**

#### UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MICHIGAN

TAT DE			
IN RE:			
Juan Raymon McCreary	CASE NO.		
•	CHAPTER	13	
S.S.#xxx-xx-1179	JUDGE		
Debtor			
and		PLAN SU	MMARY
		For information	al purposes only.
	ACP: <b>36</b>	Months	
S.S.#		Plan Length: 60	
Joint-Debtor		ent: \$_468.00_ pe	r Month 9 Creditors \$ <b>0.00</b>
Debtor(s)			committed 100%
CHAPTER	13 PLAN		
[X] Original <u>OR</u> [] Pre-	Confirmation N	Modification #	
I. NOTICES			
TO CREDITORS: YOUR RIGHTS MAY BE AFFECTED BY T			
BECOME BINDING WITHOUT FURTHER NOTICE OR HEA			
FILED. READ THIS DOCUMENT CAREFULLY AND CONSI			
Debtors must check one box on each line to state whether or r			e following items:  ☐ Not included
A. Nonstandard Provisions set out in Section IV. Under Feder of Bankruptcy Procedure 3015(c), a "nonstandard provision of Bankruptcy Procedure 3015(c) and "nonstandard provision of Bankruptcy Procedure 3015(c) and "nonstandard provision of Bankruptcy Procedure 3015(c)".		cluded	
			□ Not included
means a provision that is not otherwise included in the app			□ Not included
means a provision that is not otherwise included in the app form for a Chapter 13 Plan in the Eastern District of Mich	roved		Li Not included
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form for a Chapter 13 Plan in the Eastern District of Mich  B. A limit on the amount of a secured claim based on a valuate	oroved igan.	cluded	□ Not included
B. A limit on the amount of a secured claim based on a valuation the collateral for the claim.	oroved igan.		□ Not included
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A. 

Debtor's Current Monthly Income exceeds the applicable State median income. Debtor's Applicable Commitment Period

is 60 months. Debtor's Plan Length shall be 60 months from the date of entry of the Order Confirming Plan.

■ Debtor's Current Monthly Income is less than or equal to the applicable State median income. Debtor's Applicable Commitment Period is 36 months. Debtor's Plan Length shall be 60 months from the date of entry of the Order Confirming Plan. This is a minimum Plan length. If the Plan has not been completed in the minimum Plan length, the Plan length shall be extended as necessary for completion of the requirements of the Plan; provided that in no event will the Plan term continue beyond 60 months from the date of entry of the Order Confirming Plan. See Paragraph J of the Additional Terms, Conditions and Provisions for additional information regarding Completion of Plan.

If neither or both of the above boxes is checked, then the Applicable Commitment Period and the Plan Length shall be 60 months from the date of entry of the Order Confirming Plan.

- **B.** Debtor's plan payment amount is \$108.00 per Week.
- C. Future Tax Refunds. See Paragraph A of the Additional Terms, Conditions and Provisions for additional information regarding Tax Refunds and Tax Returns.

FOR CASES ASSIGNED TO BAY CITY DIVISION: Check only one box. If none are checked or more than one box is checked, paragraph 2 shall apply:

- 1. Debtor's Plan proposes a 100% dividend to unsecured creditors. Therefore, debtor is not required to remit any future Tax Refunds
- 2. Debtor's Plan proposes less than a 100% dividend to unsecured creditors and debtor's Schedule I does not include a pro-ration for anticipated Tax Refunds. Debtor will remit 50% of all Federal and State Tax Refunds that debtor receives or is entitled to receive after commencement of the case.
- Debtor's Plan proposes less than a 100% dividend to unsecured creditors and debtor's Schedule I *includes* a proration for anticipated Federal Tax Refunds. Debtor will remit 100% of all Federal and State Tax Refunds that debtor receives or is entitled to receive after commencement of the case to the extent the Refund exceeds the sum of twelve times the amount of the Federal and State Tax Refund pro-ration shown in Schedule I.

FOR CASES ASSIGNED TO DETROIT DIVISION: Check only one box. If none are checked or more than one box is checked, paragraph 2 shall apply:

- ☐ Debtor's Plan proposes a 100% dividend to unsecured creditors. Therefore, debtor is not required to remit any future Tax Refunds.
- Debtor's Plan proposes less than a 100% dividend to unsecured creditors and debtor's Schedule I does not include a pro-ration for anticipated Tax Refunds. Debtor will remit 100% of all Federal Tax Refunds that debtor receives or is entitled to receive after commencement of the case.
- 3. Debtor's Plan proposes less than a 100% dividend to unsecured creditors and debtor's Schedule I *includes* a proration for anticipated Federal Tax Refunds. Debtor will remit 100% of all Federal Tax Refunds that debtor receives or is entitled to receive after commencement of the case to the extent the Refund exceeds the sum of twelve times the amount of the Federal Tax Refund pro-ration shown in Schedule I.

FOR CASES ASSIGNED TO FLINT DIVISION: Check only one box. If none are checked or more than one box is checked, paragraph 2 shall apply:

- 1. Debtor's Plan proposes a 100% dividend to unsecured creditors. Therefore, debtor is not required to remit any future tax refunds.
- 2. Debtor's Plan proposes less than a 100% dividend to unsecured creditors and debtor's Schedule I does not include a pro-ration for anticipated tax refunds. Debtor will remit 100% of all Federal Tax Refunds that Debtor receives or is entitled to receive after commencement of the case.
- Debtor's Plan proposes less than a 100% dividend to unsecured creditors and debtor's Schedule I *includes* a proration for anticipated Federal Tax Refunds. Debtor is not required to remit Federal Tax Refunds in excess of the amount of the proration shown on Schedule I.
  - **D.** □ If the box to the immediate left is "checked", the debtor acknowledges that debtor **is not** eligible for a discharge pursuant to 11 USC §1328.
    - ☐ If the box to the immediate left is "checked", the joint debtor acknowledges that joint debtor **is not** eligible for a discharge pursuant to 11 USC §1328.

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- E.  $\square$  If the box to the immediate left is "checked", the debtor or joint debtor is self-employed AND incurs trade credit in the production of income from such employment. Debtor shall comply with the requirements of Title 11, United States Code, and all applicable Local Bankruptcy Rules regarding operation of the business and duties imposed upon the debtor.
- III. DESIGNATION AND TREATMENT OF CLASSES OF CLAIMS: See Paragraph F of the Additional Terms, Conditions and Provisions for additional information regarding the order in which claims are to be paid.
  - A. Class One TRUSTEE FEES as determined by statute.
  - B. Class Two ADMINISTRATIVE CLAIMS, INCLUDING ATTORNEYS FEES AND COSTS:
    - 1. PRE-CONFIRMATION ATTORNEY FEES: At confirmation of the Plan, Counsel shall elect to either:
      - In lieu of filing a separate fee application pursuant to 11 USC §327 and §330, accept the sum of \$\_3,500.00 for services rendered plus \$ 0.00 for costs advanced by Counsel, for total Attorney Fees and Costs of \$ 3,500.00 through the Effective Date of the Plan. The total Attorney Fees and Costs less the sum paid to Counsel prior to the commencement of this case as reflected in the Rule 2016(b) Statement leaving a net balance due of \$ 3,400.00, will be paid as an Administrative Expense Claim; or
      - Request an award of compensation for services rendered and recovery of costs advanced by filing a separate Application for Compensation for services rendered up through the date of entry of the Order Confirming Plan pursuant to 11 USC §327 and §330. If Counsel elects to file a fee application pursuant to this sub-paragraph, the Trustee shall escrow \$3,500.00 for this purpose. See Paragraph B of the Additional Terms, Conditions and Provisions for additional information.
    - 2. POST-CONFIRMATION ATTORNEY FEES: See Paragraph D of the Additional Terms, Conditions and Provisions for additional information.
    - 3. RETENTION OF OTHER PROFESSIONALS FOR POST-PETITION SERVICES: Debtor ☐ has retained or ☐ intends to retain the services of (name of person to be retained) as (capacity or purpose for retention) to perform professional services post-petition with fees and expenses of the professional to be paid as an Administrative Expense. See Paragraph C of the Additional Terms, Conditions and Provisions for additional information.
    - 4. OTHER ADMINISTRATIVE EXPENSE CLAIMS: Any administrative expense claims approved by Order of Court pursuant to 11 USC §503 shall be paid as a Class Two administrative claim. See Paragraph E of the Additional Terms, Conditions and Provisions for additional information.
  - C. CLASS THREE SECURED CLAIMS TO BE STRIPPED OR AVOIDED FROM THE COLLATERAL AND TREATED AS UNSECURED CLAIMS TO BE PAID BY TRUSTEE. See Paragraph G and Paragraph N of the Additional Terms, Conditions and Provisions for additional information.

Class 3.1 Liens to be Stripped. 11 USC §506(a).

<u>Creditor</u>	<u>Collateral</u>
None	
Class 3.2 Judicial Liens and Non-Possessory, Non-Purc	hase Money Liens to be Avoided. 11 USC §522(f).
Creditor	<u>Collateral</u>
-NONE-	

- D. CLASS FOUR SECURED CLAIMS ON WHICH THE LAST CONTRACTUAL PAYMENT IS DUE BEYOND THE LENGTH OF THE PLAN. 11 USC §1322(b)(5).
  - Continuing Payments on a claim secured by the debtor's principal residence that come due on and after Class 4.1 the date of the Order for Relief. (See Paragraph P, Paragraph L and Paragraph EE of the Additional Terms, Conditions and Provisions for additional information).

Creditor Collateral Monthly Payment Direct or Via Trustee -NONE-

**Class 4.2** Pre-Petition Arrearages on a claim secured by the debtor's principal residence to be paid by Trustee: Those amounts which were due as of the filing of the Order for Relief:

			Estimated Average	Months to Cure From
Creditor	<u>Collateral</u>	Arrears Amount	Monthly Payment	Confirmation Date

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Creditor	<u>Collateral</u>	Arrears Amount	Estimated Average  Monthly Payment	Months to Cure From Confirmation Date
-NONE-				

#### **Class 4.3** Continuing Payments other than on a claim secured by the debtor's principal residence that come due on and after the date of the Order for Relief. (See Paragraph P, Paragraph L and Paragraph EE of the Additional Terms, Conditions and Provisions for additional information).

Creditor	Collateral	Monthly Payment	Direct or Via Trustee
-NONE-			

#### **Class 4.4** Pre-Petition Arrearages other than on a claim secured by the debtor's principal residence to be paid by Trustee: Those amounts which were due as of the filing of the Order for Relief:

Creditor	<u>Collateral</u>	Arrears Amount	Estimated Average  Monthly Payment	Months to Cure From Confirmation Date
-NONE-				

#### E. CLASS FIVE - SECURED CLAIMS ON WHICH THE LAST PAYMENT WILL BECOME DUE WITHIN THE PLAN DURATION. (See Paragraph H, Paragraph L, Paragraph O, and Paragraph S of the Additional Terms, Conditions and Provisions for additional information).

#### Class 5.1. Secured Claims not excluded from 11 USC §506 to be paid Equal Monthly Payments. 11 USC $\S1325(a)(5)(B)$ :

Creditor/Collateral	Indicate if "crammed" *** or modified	Interest rate (Present Value Rate)	Total to be paid Including Interest	Monthly Payment	Direct or Via Trustee
Capital One Auto Finance/2015 Chrysler 300 Limited AWD 71,700 miles	Crammed	6.00%	15,746.40	262.44	Trustee

<sup>\*\*\*</sup> See debtor's Schedule A/B for more information about values.

#### Class 5.2. Secured Claims not excluded from 11 USC §506 not to be paid Equal Monthly Payments. 11 USC $\S1325(a)(5)(B)$ :

Creditor/Collateral -NONE-/		Value Rate)	including interest	Payment	Direct or Via Trustee
	Indicate if "crammed"***or modified	Interest rate (Present	Total to be paid	Estimated Average Monthly	

<sup>\*\*\*</sup> See debtor's Schedule A/B for more information about values.

## Class 5.3. Secured claims excluded from 11 USC §506 by the "hanging paragraph" at the end of 11 USC §1325(a)(9) to be paid "Equal Monthly Payments". 11 USC §1325(a)(5)(B).

Creditor/Collateral	Indicate if " <u>modified</u>	Interest rate (Present Value Rate)	Total to be paid Including interest	Monthly Payment	Direct or Via Trustee
-NONE-/					

#### Class 5.4. Secured claims excluded from 11 USC \$506 by the "hanging paragraph" at the end of 11 USC \$1325(a)(9) not to be paid Equal Monthly Payments. 11 USC §1325(a)(5)(B).

Creditor/Collateral	Indicate if "modified	Interest rate (Present Value Rate)	Total to be paid Including interest	Estimated Average Monthly_ Payment	Direct or Via Trustee
-NONE-/					

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Class 5.5. Surrender of collateral. (See Paragraph P of the Additional Terms, Conditions and Provisions for additional information).

The debtor(s) surrenders debtor's interest in the following collateral. Any allowed unsecured claim remaining after disposition of the collateral will be treated as a Class 9 General Unsecured Creditor.

Creditor Name	Description of Collateral		
-NONE-			

F. CLASS SIX – EXECUTORY CONTRACTS AND/OR UNEXPIRED LEASES, 11 USC §§365, 1322(b)(7): Debtor assumes the executory contracts and unexpired leases listed in subparagraph 1. (See Paragraph K of the Additional *Terms, Conditions and Provisions for additional information*).

#### Class 6.1. Continuing Lease/Contract Payments:

<u>Creditor</u>	<u>Property</u>	Monthly <u>Payment</u>	Lease/Contract expiration date	Direct or Via <u>Trustee</u>
-NONE-				

#### Class 6.2. Pre-petition Arrearages on Assumed Executory Contracts and Leases (to be paid by Trustee):

Creditor	itor Property		Estimated Average Monthly Payment	Months to Cure From Confirmation Date
-NONE-				

Class 6.3. Debtor rejects the executory contracts and unexpired leases listed in this subparagraph 3. Any unexpired lease or executory contract that is neither expressly assumed in Class 6.1 above or expressly rejected below shall be deemed rejected as of the date of confirmation of debtor's chapter 13 plan to the same extent as if that unexpired lease or executory contract was listed below. (See Paragraph K of the Additional Terms, *Conditions and Provisions for additional information):* 

Creditor	<u>Property</u>			
-NONE-				

G. CLASS SEVEN - PRIORITY UNSECURED CLAIMS. 11 USC §§507, 1322(a)(2).

Class 7.1. Domestic Support Obligations: Continuing Payments that come due on and after the date of the Order for Relief:

Creditor	Monthly Payment	Direct or Via Trustee
Friend of the Court - Oakland County	520.48	Direct as Current and deducted from Wages

#### Class 7.2. Domestic Support Obligations: Pre-Petition Arrearages due as of the filing of the Order for Relief:

Creditor	Arrears Amount	Estimated Average Monthly Payment	Direct or Via Trustee
-NONE-			

#### Class 7.3. All Other Priority Unsecured Claims [11 U.S.C. §1322(a)(2)]

Creditor	Amount	Direct or Via Trustee
IRS - Internal Revenue Service	7,000.00	Trustee
Michigan Department of Treasury-CD	100.00	Trustee

H. CLASS EIGHT – SEPARATELY CLASSIFIED UNSECURED CLAIMS. 11 USC §1322(b)(1): (To be paid by Trustee): (See Paragraph M of the Additional Terms, Conditions and Provisions for additional information):

Creditor			Reason for Special Treatment
-NONE-			

**CLASS NINE - GENERAL UNSECURED CLAIMS** (to be paid by Trustee): – See Paragraph N of the Additional Terms, Conditions and Provisions for additional information.

•	that is not less than the Amount Available in Value of Encumbered Property (the "Unsec Amount; or (ii) will continue for the full Pla greater payment to Class 9 Unsecured Credi	abution to creditors holding Class 9 General Unsecured claims in an amount in Chapter 7 shown on Attachment 1, Liquidation Analysis and Statement of ured Base Amount"). This Plan shall provide either (i) the Unsecured Base an Length as indicated in Paragraph II.A of this Plan, whichever yields the itors. See Attachment 2, Chapter 13 Model Worksheet, Line 8, for timated to be available for payment to Class 9 Unsecured Creditors.
	This Plan shall provide a dividend to holder	s of Class 9 General Unsecured Claims equal to 100% of allowed claims.
If neithe	er box is checked or if both boxes are checked	, then the plan shall pay the Unsecured Base Amount.
		', creditors holding claims in Class Seven, Eight and Nine shall receive f <b>0.00%</b> per annum as required by 11 USC §1325(a)(4).
IV. Nonstan	ndard Plan Provisions:	· · · · · · · · · · · · · · · · ·
	NY "NONSTANDARD PROVISION" TH PECIFICALLY STATED IN THIS SECTI	AT IS NOT BOTH INCLUDED IN SECTION 1.A AND ON IS VOID.
AI to	PPLICATION: Counsel reserves the right to the Confirmation of this Plan.	NFIRMATION ATTORNEY FEES & COSTS BY SEPARATE of file Applications for compensation for services rendered subsequent
pa Ea	ayment through the Trustee shall be paid in Level 1: Class 1 Level 2: Classes 2.1 and 2.2 Level 3: Classes 2.3 and 2.4 Level 4: Classes 5.1, 5.3, 6.1, and 7.1 Level 5: Classes 4.1 and 4.3 Level 6: Classes 4.2, 4.4, 5.2, 5.4 and Level 7: Classes 7.2, 7.3, and 8 Level 8: Classes 3.1, 3.2, 5.5, 6.3 and ach level shall be paid as provided in this F	6.2
	Ounne P71177, Attorney for Debtor (or Deb ord Provisions'' other than those set out in S	otor if not represented by an attorney), certify that this Plan contains no Section IV above.
/s/ Brian P.	Dunne	/s/ Juan Raymon McCreary
	Inne P71177	Juan Raymon McCreary
Attorney for	r Debtor	Debtor
	graph Road, Suite 1630	
Southfield,		_
Street Addre		Joint Debtor
	MI 48034-0000	Joint Deotor
edmi@ardd	and Zip Code Jun.com	
E-Mail Add		6/04/2020
(248) 557-74		Date
Phone Numl		<u> </u>

# **ATTACHMENT 1**

## LIQUIDATION ANALYSIS AND STATEMENT OF VALUE OF ENCUMBERED PROPERTY:

TYPE OF PROPERTY	FAIR MARKET VALUE	LIENS	DEBTOR'S SHARE OF EQUITY	EXEMPT AMOUNT	NON-EXEMPT AMOUNT
PERSONAL RESIDENCE	0.00	0.00	0.00	0.00	0.00
REAL ESTATE OTHER THAN PERSONAL RESIDENCE	0.00	0.00	0.00	0.00	0.00
HHG/PERSONAL EFFECTS					
Couch, sofa, vacuum, table, chairs, lamps, entertainment center, bedroom sets, washer/dryer, stove, refrigerator, microwave, pots/pans, dishes/flatware, household tools.	2,500.00	0.00	2,500.00	2,500.00	0.00
HHG/PERSONAL EFFECTS (total)	5,500.00	0.00	5,500.00	5,500.00	0.00
JEWELRY					
Costume jewelry, watch, chains, rings.	300.00	0.00	300.00	300.00	0.00
JEWELRY (total)	300.00	0.00	300.00	300.00	0.00
CASH/BANK ACCOUNTS					
Cash	50.00	0.00	50.00	50.00	0.00
Checking: Comerica Bank	20.00	0.00	20.00	20.00	0.00
Savings: Vibe Credit Union	5.00	0.00	5.00	5.00	0.00
Prepaid Debit Card: Cash App	20.00	0.00	20.00	20.00	0.00
CASH/BANK ACCOUNTS (total)	95.00	0.00	95.00	95.00	0.00
VEHICLES					

2015 Chrysler 300 Limited AWD 71,700 miles	13,575.00	21,328.00	0.00	0.00	0.00
VEHICLES (total)	13,575.00	21,328.00	0.00	0.00	0.00
OTHER (itemize)					
401(k): Wells Fargo 2 loans - First loan should expire in next two years Second loan should expire in next four to five years.	3,000.00	0.00	3,000.00	3,000.00	0.00
Government Stimulus	1,200.00	0.00	1,200.00	1,200.00	0.00
Employer - Health Insurance. Beneficiary: Debtor	0.00	0.00	0.00	0.00	0.00
Employer - Term Life Insurance. Beneficiary: Sister	0.00	0.00	0.00	0.00	0.00
OTHER (total)	4,200.00	0.00	4,200.00	4,200.00	0.00

Amount available upon liquidation	\$ 0.00
Less administrative expenses and costs	\$ 0.00
Less priority claims	\$ 7,100.00
Amount Available in Chapter 7	\$ 0.00

## **ATTACHMENT 2**

# CHAPTER 13 MODEL WORKSHEET LOCAL BANKRUPTCY RULE 3015-1(B)(2) E.D.M

1.	Proposed length of Plan:	60	months		
2.	Initial Plan Payment: \$468.00 per month x 24 months = \$11,2 Step Payment #1 \$518.15 per month x 36 months = \$18,6				
3.	Additional Payments: \$ pe	er=\$(subtotal)		-	
4.	Lump sums payments			-	 \$0.00
5.	Total to be paid into Plan (total of lines	2 through 4)		-	 \$29,885.40
6.	Estimated disbursements other than to 0	Class 9 Genera	l Unsecured Creditors		
	a. Estimated Trustee Fees		\$2,988.72		
	b. Estimated Attorney Fees and costs the confirmation of plan	nrough	\$3,400.00		
	c. Estimated Attorney Fees and costs post-confirmation through duration of Plan		on <b>\$600.00</b>		
	d. Estimated fees of other Professionals	3	\$0.00		
	e. Total mortgage and other continuing payments	secured debt	\$0.00		
	f. Total non-continuing secured debt pa (including interest)	yments	\$15,746.40		
	g. Total priority claims		\$7,100.00		
	h. Total arrearage claims		\$0.00		
7.	Total disbursements other than to Class (Total of lines 6.a through 6.h)	9 General Un	secured Creditors		\$ 29,835.12
8.	Funds <i>estimated</i> to be available for Cla (Line 5 minus Line 7)	ss 9 General U	nsecured Creditors	\$	 50.28
9.	Estimated dividend to Class 9 General (see Liquidation Analysis on page 6)	Unsecured Cre	ditors in Chapter 7 proceeding	\$	0.00

COMMENTS: